IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.640 OF 2007

Makkhansing Ajitsingh Kalyani. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mrs.Harjeet Kaur, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 21st April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.301 of 2006 of Wanwadi Police Station, Pune. The said case is under Section 395 of IPC.

3. While the complainant along with other police personnel was on night-round, at that time they saw one white tata-sumo parked in suspicious circumstances. On the said vehicle (Government of India) was found written. At that time, they saw one dacoit in the parking lot. The said dacoit

had a chopper in his right hand and he jumped over the gate and ran away. The watchman and the complainant along with police staff opened the gate and chased him; whereupon two dacoits came running from the east side gate. One of them was armed with chopper and another was armed with iron rod. They came with preparation to assault him; and one of them tried to assault the complainant with iron rod on his head. When he resisted the said act at that time the other person armed with chopper came forward to assault the complainant. At that time the complainant took out his pistol and fired round and thereupon both ran away. The complainant chased them. In the meanwhile, the police mobile van reached there. In the meantime, the police saw that there are three persons, one of them who was armed with chopper was caught by the police and two dacoits ran away towards Agarwal Apartments. The police staff recognised one of the persons who ran away as being the present applicant who is a history-sheeter. All these facts are mentioned in the complaint.

4. The learned APP has pointed out that besides the present case, the applicant is

involved in C.R.No.326 of 2006 under Section 395 of Swargate Police Station; C.R.No.180 of 2006 under Section 379 of Wada Police Station; and C.R.No.302 of 2006 under Section 380 of Wanwarie Police Station. Thus, the learned APP has submitted that the applicant is a history-sheeter who is involved in many other cases and hence he ought not to be granted bail.

5. Mrs.Kaur, the learned Advocate for the applicant on the other hand has submitted that the applicant has been falsely implicated in an open C.R.. She has submitted that the brothers of the applicant were already in jail and the endeavour of the police is to see that all the male persons in the family should remain in jail. I do not find much merit in this submission. The material on record clearly shows the involvement of the applicant, who is involved in a large number of cases, some of which are similar in nature. Looking to all these facts, I do not think that this is a fit case to grant bail.

6. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)